

No. 5:17-CR-134-BR-1

defendant's belief that he is a sovereign citizen who is incapable of prosecution under Title 18. For example, some documents signed by the defendant indicate that the signature was made with "A.R.R." or all rights reserved under the Uniform Commercial Code, consistent with sovereign citizen beliefs.

4. This Court has already denied the defendant's pro se motions to dismiss which challenged the subject matter jurisdiction of the Court. Likewise, the Fourth Circuit rejected the defendant's efforts to pursue such challenges by way of interlocutory appeal. Nevertheless, the defendant has persisted in making pro se challenges concerning the subject matter jurisdiction of the court, and now appears to be pursuing a pro se petition for certiorari. As such, the Government has ample cause to believe that the defendant, either directly or through counsel, will attempt to inject the legal questions of subject matter jurisdiction or sovereign citizenship into the trial of this case.

5. Evidence and argument concerning lack of subject matter jurisdiction (including sovereign citizen status) are irrelevant to the issues under consideration by the jury at trial. The issue of subject matter jurisdiction is a legal question for consideration by the Court, not the jury. Arguments concerning, for example, whether North Carolina ever passed any law giving the federal government authority to prosecute him under Title 18, are not probative of whether the defendant committed the crimes charged in the Superseding Indictment. Since such arguments are irrelevant, they are inadmissible under Federal Rule of Evidence 402, and should be excluded at trial.

6. Likewise, evidence and argument concerning subject matter jurisdiction are unfairly prejudicial, likely to contribute to a confusion of the issues, and likely to waste time, and hence should be excluded under Rule 403(b).

7. Undersigned counsel has asked counsel for the defendant to agree that such arguments and evidence will not be presented at trial. Counsel for the defendant has refused to confirm and agree that such evidence and arguments will not be presented at trial, even though the defendant is represented by counsel and is not representing himself. As such, the defendant has not consented to the relief requested herein, and an order of this Court is necessary to avoid unfair prejudice to the Government at trial.

WEREFOR, the Government respectfully requests that this Court exclude from the trial of this matter any evidence or argument concerning a lack of subject matter jurisdiction by the court, or any related arguments arising from the “sovereign citizen” belief set, or enter such other order as the Court deems appropriate under the circumstances.

Respectfully submitted this 1st day of March, 2018.

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CERTIFICATE OF SERVICE

This is to certify that I have this 1st day of March, 2018, served a copy of the foregoing upon counsel for the defendant in this action:

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